

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

KENNETH LUMAN, et al.,  
Plaintiffs,

v.

CV No. 20-200 GBW/CG

BALBACH TRANSPORT, INC., et al.,  
Defendants,

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LUIS TREJO, et al.,  
Third-Party Plaintiffs,

v.

KENNETH LUMAN, et al.,  
Third-Party Defendants,

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BALBACH TRANSPORT, INC.,  
Counterclaimant,

v.

KENNETH LUMAN, et al.,  
Counter-Defendants

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LUIS TREJO,  
Third-party Plaintiff

v.

KENNETH LUMAN, et al.,  
Third-party Defendants,

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LUIS TREJO,  
Counterclaimant,

v.

GREENWOOD MOTOR LINES, INC., et al.,  
Counter-Defendants.

**SCHEDULING ORDER**

In accordance with the Civil Justice Expense and Delay Reduction Plan adopted  
in compliance with the Civil Justice Reform Act, and pursuant to Title 28 U.S.C. §

473(a)(1), this case is assigned to a “**240-day**” discovery track. Accordingly, the termination date for discovery **January 28, 2021**, and discovery shall not be reopened, nor shall case management deadlines be modified, except by an order of the Court upon a showing of good cause. This deadline shall be construed to require that discovery be completed on or before the above date.

Before moving for an order relating to discovery, the parties may request a conference with the Court in an attempt to resolve the dispute. Service of interrogatories or requests for production shall be considered timely only if the responses are due prior to the deadline. A notice to take deposition shall be considered timely only if the deposition takes place prior to the deadline. The pendency of dispositive motions shall not stay discovery.

Motions relating to discovery (including, but not limited to, motions to compel and motions for protective order) shall be filed with the Court and served on opposing parties by **February 17, 2021**. See D.N.M.LR-Civ. 7 for motion practice requirements and timing of responses and replies. This deadline shall not be construed to extend the twenty-day time limit in D.N.M.LR-Civ. 26.6.

Plaintiffs shall identify to all parties in writing any expert witness to be used by Plaintiffs at trial and to provide expert reports pursuant to Fed. R. Civ. P. 26(a)(2)(B) no later than **November 16, 2020**. All other parties shall identify in writing any expert witness to be used by such parties at trial and to provide expert reports pursuant to Fed. R. Civ. P. 26(a)(2)(B) no later than **December 16, 2020**.

Pretrial motions, other than discovery motions, shall be filed with the Court and served on the opposing party by **March 1, 2021**. See D.N.M.LR-Civ. 7 for motion

practice requirements and timing of responses and replies. Any pretrial motions, other than discovery motions, filed after the above dates shall, in the discretion of the Court, be considered untimely. If documents are attached as exhibits to motions, affidavits or briefs, those parts of the exhibits that counsel want to bring to the attention of the Court must be highlighted in accordance with D.N.M.LR-Civ. 10.6.

Plaintiffs shall have until **September 3, 2020**, to join additional parties and to amend the pleadings. Defendants shall have until **October 5, 2020**, to join additional parties and to amend the pleadings.

Counsel are directed to file a consolidated final Pretrial Order as follows: Plaintiffs to Defendants on or before **April 16, 2021**; Defendants to Court on or before **April 30, 2021**. Counsel are directed that the Pretrial Order will provide that no witnesses except rebuttal witnesses whose testimony cannot be anticipated, will be permitted to testify unless the name of the witness is furnished to the Court and opposing counsel no later than thirty (30) days prior to the time set for trial. Any exceptions thereto must be upon order of the Court for good cause shown.

**IT IS SO ORDERED.**

A handwritten signature in black ink, appearing to read 'Carmen E. Garza', with a long horizontal line extending to the right.

THE HONORABLE CARMEN E. GARZA  
CHIEF UNITED STATES MAGISTRATE JUDGE